

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

MIKEAL PRUETT,

Plaintiff,

vs.

NANCY CROWDER and  
TRINITY FOOD GROUP,

Defendants.

**CV-20-123-GF-BMM-JTJ**

**ORDER**

Plaintiff Mikeal Pruett (“Pruett”), a prisoner proceeding pro se, filed a Complaint alleging that Defendants Nancy Crowder and Trinity Food Group are violating his rights for various reasons related to his prison employment. (Doc. 1). United States Magistrate Judge John Johnston issued Findings and Recommendations in this matter on April 30, 2021. (Doc. 4). Judge Johnston denied Pruett’s motion to appoint counsel. *Id.*

Judge Johnston recommended that this Court dismiss Pruett’s Complaint with prejudice for failure to state a claim, and deny issuance of a certificate of appealability. (Doc. 4 at 10–11). Judge Johnston further recommended that this Court decline to exercise supplemental jurisdiction over Pruett’s state law claims, and dismiss those claims without prejudice. *Id.*

No party has filed objections to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED:**

1. Pruett's Complaint (Doc. 1) is **DISMISSED** with prejudice for failure to state a claim.
2. The Clerk of Court is directed to close this matter and enter a judgment pursuant to Fed. R. Civ. P. 58.
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Fed. R. App. P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

Dated this 18th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court